


# Administrative Office of the Courts

Chief Justice Richard C. Howe  
Chairman, Utah Judicial Council

## MEMORANDUM

Daniel J. Becker  
State Court Administrator  
Myron K. March  
Deputy Court Administrator

To: Julia D'Alesandro, Internal Auditor

From:  Brent Johnson, General Counsel

Re: Court Hours

Date: November 29, 2000

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I have reviewed your latest e-mail on court hours. The question that you have posed creates an interesting dilemma. It is clear that court days are established by statute and the cities and counties do not control the working days of the court. Local officials do, however, have the statutory authority to establish holidays for their employees.

Court hours in justice courts are generally governed by Utah Code Ann. § 78-5-108 and 78-7-7. These sections state, respectively, that courts are open "except as provided by law" and "except as otherwise provided." The question that arises is whether a county's declaration of a holiday for its employees provides for the court to be closed. I believe that a plain reading of the statute indicates that a local authority's ability to declare a holiday for its employees does not provide "by law" for the closing of the court. However, this plain reading of the statute creates some difficulties. First, as you have noted, keeping the courts open will require the payment of overtime for employees who work that day. It will also place the judiciary in the position of requiring someone to be at the court, when the local authority has essentially stated that they do not have to work. Second, allowing the courts to close in accordance with county holidays may not necessarily offend the local communities who would be accustomed to government business shutting down on particular days.

In your e-mail, the courts that were closed were almost all staffed by county employees. (I thought County had become a primary site and perhaps they are simply having difficulty with the transition.) If you contacted other court sites in which the city or county had declared a holiday, you probably would have also found those court sites to be closed. I do not believe that the fact that these courts are closed so clearly offends the statute as to require a different scheme. There are provisions in statute which allow litigants to file documents and have process issued even when the court doors are closed and I think that these provisions also help to show that closing the courts pursuant to a county holiday may not be a critical issue. Please let me know if you have any questions about this.

**The mission of the Utah judiciary is to provide the people an open, fair,  
efficient, and independent system for the advancement of justice under the law.**